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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,344

11/02/2007

Rodolphe Pellerin

007067.00004

6521

22907 7590 11/25/2009

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SUITE 1200

WASHINGTON, DC 20005-4051

EXAMINER

HARVEY, DAVID E

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

11/25/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/589,344	<b>Applicant(s)</b> PELLERIN ET AL.	
	<b>Examiner</b> DAVID E. HARVEY	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/11/2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

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**1. Claims 5-8 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multi dependent claim. See MPEP § 608.01(n). Accordingly, the claims have been further treated on the merits only to the extend that is possible.**

**2. The following is a quotation of the second paragraph of 35 U.S.C. 112:**

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**3. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

A) The preamble of claim 1 indicates that the claim is directed to a “method” yet the body of the claim fails to positively set forth the “steps” of a method as required of a method claim. Clarification is required.

B) The preamble of claim 3 indicates that the claim is directed to a “method” yet the body of the claim fails to positively set forth the “steps” of a method as required of a method claim. Clarification is required.

C) The preamble of claim 9 indicates that the claim is directed to a “system”/apparatus yet the body of the claim fails to positively set forth the “structure” of the system as required of an apparatus claim. Clarification is required.

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**4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).**

5. **Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent application #2003/0113096 to Taira et al and US Patent #4,567,532 to Baer et al.**

**A) The showing of Taira et al.:**

As is shown in Figures 2 and 15, Taira et al discloses a DVD storage medium in which different chronological series of images, representing different angles of view, are stored in an interleaved fashion. As is shown in Figure 45, Taira et al discloses a DVD player for playing the DVD wherein the player includes selection circuitry for enabling the respective series of images to be selectively outputted in a random sequence according to at least one predetermined random algorithm **[SEE: steps ST59 and ST60 of Figure 36; Figure 37; and paragraphs 0415, 0417, 0428, and 0430]**.

Claim 1 differs from the showing of Taira et al in that:

- a) The respective chronological sequences are not shown as being provided by respective cameras.

**B) The showing of Baer et al.:**

As is shown in Figure 9, Baer et al discloses a system comprising:

- a) A plurality of cameras (@ 56) which, as shown in Figure 8, are disposed at different locations so as to provide respective chronological series of images taken from different angles;
- B) Circuitry for simultaneously writing (@ 62) each of the chronological series of images onto respective tracks of a recording medium **[note lines 49-53 of column 4]**; and
- C) Circuitry for reproducing (@64, 66) a desired one of the chronological series of images based on a user input (@ 68,70).

Claim 1 differs from the showing of Baer et al in that:

- a) The images of the respective sequences are not stored on the disc in an interleaved fashion; and
- b) The user manually selects the sequence to be displayed as opposed to it being selected automatically via at least one algorithm.

**C) The combined showing of Taira et al. and Baer et al.:**

- a) The examiner maintains that it would have been obvious to one of ordinary skill in the art to have utilized a plurality of cameras to provide the respective angle views described in Taira et al given that Baer et al evidences such to

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have been a well known way in which such angle views were conventionally obtained.

b) Alternatively, it would have been obvious to one of ordinary skill in the art to have replaced the disk recording medium in Baer et al. with the DVD medium described in Taira et al. given that such represent nothing more than an obvious upgrade of technology.

**D) Difference:**

Claim 1 differs from the combined showing of Taira et al. and Baer et al. only in that claim 1 recites that the display stops after a predetermined time or via manual intervention. The examiner notes that the combined system inherently operates in the recited manner in that the random sequencing will at least stop after a predetermined time when the system is powered down, when the system runs out of angle data to play; when the system is changes from the automatic selection mode to a manual selection mode , etc,...

**6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent application #2003/0113096 to Taira et al and US Patent #4,567,532 to Baer et al. for the same reasons explained above for claim 1. Additionally:**

The examiner notes that the DVD standard allows additional picture information to be displayed; i.e., still pictures, sub-pictures, etc,...

**7. Claim 4/1, 4/2, and 4/3 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent application #2003/0113096 to Taira et al and US Patent #4,567,532 to Baer et al. for the same reasons explained above for claim 1. Additionally:**

The examiner notes that in the DVD standard, the different angle paths correspond to tracks as is evident via the showing of Baer et al. (as discussed above).

**8. Claim 5 [regardless of dependency (see paragraph 1 of this Office action)]is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent application #2003/0113096 to Taira et al and US Patent #4,567,532 to Baer et al. for the same reasons explained above for claim 1. Additionally:**

The examiner notes that in the DVD standard, a synchronized audio component is provided with the video content.

9. **Claim 6 [regardless of dependency (see paragraph 1 of this Office action)] is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent application #2003/0113096 to Taira et al and US Patent #4,567,532 to Baer et al. for the same reasons explained above for claim 1. Additionally:**

The examiner notes that the DVD standard allows additional picture information to be displayed; i.e., still pictures, sub-pictures, etc,...

10. **Claim 7 [regardless of dependency (see paragraph 1 of this Office action)] is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent application #2003/0113096 to Taira et al and US Patent #4,567,532 to Baer et al. for the same reasons explained above for claim 1.**

11. **Claim 8 [regardless of dependency (see paragraph 1 of this Office action)] is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent application #2003/0113096 to Taira et al and US Patent #4,567,532 to Baer et al. for the same reasons explained above for claim 1. Additionally:**

The examiner note that a preference is at least given to the angles that are available (note Figure 31 of Taira et al). Also note that preferences can be determined by the user (note paragraph 0868 of Taira et al).

12. **Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent application #2003/0113096 to Taira et al and US Patent #4,567,532 to Baer et al. for the same reasons explained above for claim 1.**

13. **Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent application #2003/0113096 to Taira et al and US Patent #4,567,532 to Baer et al. for the same reasons explained above for claim 9.**

14. **Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent application #2003/0113096 to Taira et al and US Patent #4,567,532 to Baer et al. for the same reasons explained above for claim 9. Additionally:**

Note paragraph 0869 in Taira et al.

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**15. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent application #2003/0113096 to Taira et al and US Patent #4,567,532 to Baer et al. for the same reasons explained above for claim 9. Additionally:**

The examiner notes that in the DVD standard, a synchronized audio component is provided with the video content.



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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DAVID E. HARVEY** whose telephone number is (571) 272-7345. The examiner can normally be reached on M-F from 6:00AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Marsh D. Banks-Harold, can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/DAVID E HARVEY/**

**Primary Examiner, Art Unit 2621**

**DAVID E HARVEY**

**Primary Examiner**

**Art Unit 2621**